IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 947(S/S)2005

Govind Singh S/o late Chandan Singh,
R/o village Devidhura, P.O. Patuvadangar,
District Nainital. ---- Petitioner.

Vs.

1. State of Uttarakhand through Secretary Home,
   Civil Secretariat, Dehradun,
2. Director General of Police, Head Office,
   Uttarakhand Police, Dehradun,
3. Inspector General of Police, Head Office Dehradun,
4. Superintendent of Police, Bageshwar. ----Respondents.

Sri S.C. Bhatt, learned Counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Suresh Chandra Bhatt, learned Counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for a writ, order direction in the nature of mandamus commanding the respondents to provide appointment to the petitioner under Dying-in-Harness Rules. It is submitted on behalf of the petitioner that his father, namely Sri Chandan Singh, who working with the Police Department was missing since 1998. In the year 2005, the competent Court has declared Sri Chandan Singh as dead under Section 108 of Indian Evidence Act and after declaring him dead by the competent Court, the petitioner moved application in the year 2005 itself

for providing him appointment under Dying-in-Harness Rules. The respondents have yet not decided the said application.

During the course of arguments, learned counsel for the petitioner has submitted that the respondent no. 2 may be directed to take decision on the representation of the petitioner dated 04.07.2005 annexed as annexure no. 6 to the writ petition with the period prescribed by this Court.

The prayer is innocuous.

Accordingly, I deem it fit and justified directing the respondent no. 2 i.e. the director General of Police, Head Quarter Uttarakhand Police, Dehradun to take decision on the representation of the petitioner dated 4th July 2005 contained as annexure no. 6 to the writ petition, within a period of six weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of.

All pending applications stand disposed of accordingly.

(M.M. Ghildiyal, J.)

May 25, 2007:
NCM: